

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

**UNITED STATES OF AMERICA**

v.

**JIMMY SCOTT ELKINS,**

Defendant.

)  
)  
) Case No. 2:10CR00017  
)

) **ORDER**  
)

) By: James P. Jones  
) United States District Judge  
)

For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the Motion to Dismiss (ECF No. 161) is GRANTED; the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 (ECF No. 149) is DENIED; the § 2255 proceeding is stricken from the active docket of the court; and the defendant's Motions to Dismiss the Indictment and Motions to Withdraw his Guilty Plea (ECF No. 160, 164, & 165) are DENIED.

Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability regarding his claims under § 2255 is DENIED.

ENTER: July 19, 2013

/s/ James P. Jones  
United States District Judge